IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 3563 of 2007(Y)

PETITIONERS:

B.SREEKUMAR, AGED 44 YEARS,
S/O. BHASKARAN PILLAI, SREE NIVAS,
CHERUVARANAM, VARANAM P.O., CHERTHALA.

BY ADV. SRI.C.V.MANUVILSAN
SRI.G.SUDHEER
SRI.P.C.ANIL KUMAR

RESPONDENTS:

1. **THANNERMUKKOM GRAMA PANCHAYATH,**
   REPRESENTED BY ITS SECRETARY, THANNEERKUKKOM P.O.,
   CHERTHALA, ALAPPUZHA.

2. **THE ENVIRONMENT ENGINEER,**
   KERALA STATE POLLUTION CONTROL BOARD, ALAPPUZHA.

3. **AMRUTHA INDUSTRIES,**
   REPRESENTED BY ITS PROPRIETOR MR.PADMAKUMAR,
   PALATHINKAL, VARANAM P.O., ALAPPUZHA.

4. **KATTIPARAMBIL INDUSTRIES,**
   REPRESENTED BY ITS PROPRIETOR JAMES CHACKO,
   KATTIPARAMBIL HOUSE, MUTTATHIPARAMBU P.O.

5. **THURUTHEL INDIUSTRIES,**
   REPRESENTED BY ITS PROPRIETOR MR.T.V.SAJU,
   THURUTHEL HOUSE, KARIKKADU P.O., CHERTHALA.

6. **THE DISTRICT COLLECTOR, ALAPPUZHA.**

7. **THE SUPERINTENDENT OF POLICE, ALAPPUZHA.**

8. **THE SUB INSPECTOR OF POLICE,**
   MUHAMMA POLICE STATION, CHERTHALA, ALAPPUZHA.

BY ADV. SRI.C.RAGHAVAN, SC for R1
SRI.GEORGE MATHEW
SRI.M.K.CHANDRAMOHAN DAS for R2
SRI.BIJILY JOSEPH for R3 to R5
BY SR.GOVERNMENT PLEADER SRI.K.J.MOHAMMED ANZAR for R6 to R8

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/05/2007 ALONG WITH WPC NO. 10066 OF 2007, WPC NO. 8145 OF 2007 AND WPC NO. 7328 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.3563/2007 Y

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE COMMUNICATION ISSUED BY THE SECRETARY OF 1ST RESPONDENT PANCHAYAT.**

EXT.P2: **COPY OF THE REPORT OF THE WATER QUALITY ASSESSMENT OF VALIATHODU AND GROUND WATER SAMPLES FROM MUTTATHIPARAMBU DTD. 22/02/006 ISSUED BY PRINCIPAL INVESTIGATOR OF ENVIRONMENT SCIENCE & WATER MANAGEMENT, DEPARTMENT OF CHEMISTRY, NSS COLLEGE CHERTHALA.**

EXT.P3: **COPY OF THE REPRESENTATION DTD. 15/10/2006 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.**

EXT.P3(A): **COPY OF THE ACKNOWLEDGEMENT RECEIPT GIVEN BY THE 1ST RESPONDENT.**

/TRUE COPY/

KSS

K.M.JOSEPH, J.

W.P.(C).NOs.3563/07, 7328/07, 8145/07 &10066/07

Dated this the 25th day of May, 2007

JUDGMENT

I feel that these cases can be disposed of together and hence a common judgment.

W.P.(C)NOs.7328/07 and 10066/07 are filed by a society consisting of 11 members who were running a coir ginning mills and three persons are also engaged in the same line of business respectively. They challenge stop memos issued against them by the respondent local authorities. W.P.(C)NOs.3563/07 and 8145/07 are filed by persons who feel aggrieved by the running of the said units by the petitioners in the earlier mentioned writ petitions.

2. I heard learned counsel for the petitioners and the local authories and Pollution Control Board.

3. Learned counsel for the Panchayat submits that what is

issued is only a stop memo and the panchayats will afford an opportunity of hearing to the petitioners in all the cases and take a decision . This court has by an interim order directed the Pollution Control Board to conduct an inspection and file a report. In the light of the decision that I propose to take, I feel that the report can be made available to the Panchayat which in turn should make available it to the petitioners so as to facilitate a proper hearing and a fair decision. Accordingly, these writ petitions are disposed of as follows:

The respondent Panchayats in all the cases will hear the petitioners in W.P.(C)NOs.3563/07 & 8145/07 and 10066/07 and the members of the petitioner society in W.P.(C)No.7328/07 and take a decision in accordance with law. The Pollution Control Board which was directed to file a report by this court will instead make available the report to the respondent local authorities. The local authorities will in turn make available the copies of the said report to the petitioner society in W.P.(C)No.7328/07 and also the

petitioners in all the other cases. Hearing will be conducted after the service of the said report as aforesaid. The Pollution Control Board shall make available the report as aforesaid to the respondent Panchayats within a period of ten days from today. Thereafter, after conducting the hearing as aforesaid, a decision in the matter will be taken within a period of six weeks from the date of making available the report as aforesaid. Till such time as a decision is taken, the impugned stop memos in W.P.(C)NOs. 10066/07 & 7328/07 shall be kept in abeyance.

K.M.JOSEPH
JUDGE

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